

**Second Regular Session  
Sixty-eighth General Assembly  
STATE OF COLORADO**

**PREAMENDED**

*This Unofficial Version Includes Committee  
Amendments Not Yet Adopted on Second Reading*

LLS NO. 12-0460.01 Thomas Morris x4218

**SENATE BILL 12-133**

---

**SENATE SPONSORSHIP**

**Schwartz**, Aguilar, King S., Newell, White

**HOUSE SPONSORSHIP**

**(None)**,

---

**Senate Committees**

Agriculture, Natural Resources, and Energy

**House Committees**

---

**A BILL FOR AN ACT**

101 **CONCERNING THE DIVERSION OF ELECTRONIC DEVICES FROM**  
102 **LANDFILLS.**

---

**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)*

The bill prohibits the disposal of certain consumer electronic devices in landfills, effective by a date established by the solid and hazardous waste commission. Disposal in landfills located in communities that are not well-served by electronic device recycling facilities may be exempted from the ban. Beginning July 1, 2013, state

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters indicate new material to be added to existing statute.  
Dashes through the words indicate deletions from existing statute.*



1 CONTAINS A CATHODE RAY TUBE OR FLAT PANEL SCREEN WITH A SCREEN  
2 SIZE THAT IS GREATER THAN FOUR INCHES, MEASURED DIAGONALLY.

3 (b) "ELECTRONIC DEVICE" DOES NOT INCLUDE:

4 (I) A DEVICE THAT IS PART OF A MOTOR VEHICLE OR ANY  
5 COMPONENT PART OF A MOTOR VEHICLE, INCLUDING REPLACEMENT PARTS  
6 FOR USE IN A MOTOR VEHICLE;

7 (II) A DEVICE, INCLUDING A TOUCH-SCREEN DISPLAY, THAT IS  
8 FUNCTIONALLY OR PHYSICALLY PART OF OR CONNECTED TO A SYSTEM OR  
9 EQUIPMENT DESIGNED AND INTENDED FOR USE IN ANY OF THE FOLLOWING  
10 SETTINGS, INCLUDING DIAGNOSTIC, MONITORING, OR CONTROL  
11 EQUIPMENT:

12 (A) INDUSTRIAL;

13 (B) COMMERCIAL, INCLUDING RETAIL;

14 (C) LIBRARY CHECKOUT;

15 (D) TRAFFIC CONTROL;

16 (E) SECURITY, SENSING, MONITORING, OR COUNTERTERRORISM;

17 (F) BORDER CONTROL;

18 (G) MEDICAL; OR

19 (H) GOVERNMENTAL OR RESEARCH AND DEVELOPMENT;

20 (III) A DEVICE THAT IS CONTAINED WITHIN ANY OF THE  
21 FOLLOWING:

22 (A) A CLOTHES WASHER OR DRYER;

23 (B) A REFRIGERATOR, FREEZER, OR REFRIGERATOR AND FREEZER;

24 (C) A MICROWAVE OVEN OR CONVENTIONAL OVEN OR RANGE;

25 (D) A DISHWASHER;

26 (E) A ROOM AIR CONDITIONER, DEHUMIDIFIER, OR AIR PURIFIER; OR

27 (F) EXERCISE EQUIPMENT;

1 (IV) A DEVICE CAPABLE OF USING COMMERCIAL MOBILE RADIO  
2 SERVICE, AS DEFINED IN 47 CFR 20.3, THAT DOES NOT CONTAIN A VIDEO  
3 DISPLAY AREA GREATER THAN FOUR INCHES, MEASURED DIAGONALLY; OR

4 (V) A TELEPHONE.

5 (4) "LANDFILL" MEANS A SOLID WASTES DISPOSAL SITE AND  
6 FACILITY, AS THAT TERM IS DEFINED IN SECTION 30-20-101 (8), C.R.S.

7 (5) "PERIPHERAL" MEANS A KEYBOARD, MOUSE, OR OTHER DEVICE  
8 THAT IS SOLD EXCLUSIVELY FOR EXTERNAL USE WITH A COMPUTER AND  
9 PROVIDES INPUT OR OUTPUT INTO OR FROM A COMPUTER.

10 (6) "PROCESSING FOR REUSE" MEANS A METHOD, TECHNIQUE, OR  
11 PROCESS BY WHICH ELECTRONIC DEVICES THAT WOULD OTHERWISE BE  
12 DISPOSED OF OR DISCARDED ARE INSTEAD SEPARATED, PROCESSED, AND  
13 RETURNED TO THEIR ORIGINAL INTENDED PURPOSES OR TO OTHER USEFUL  
14 PURPOSES AS ELECTRONIC DEVICES.

15 (7) "RECYCLE" OR "RECYCLING" MEANS PROCESSING, INCLUDING  
16 DISASSEMBLING, DISMANTLING, SHREDDING, AND SMELTING, AN  
17 ELECTRONIC DEVICE OR ITS COMPONENTS TO RECYCLE A USEABLE  
18 COMPONENT, COMMODITY, OR PRODUCT, INCLUDING PROCESSING FOR  
19 REUSE. "RECYCLING", WITH RESPECT TO ELECTRONIC DEVICES, DOES NOT  
20 INCLUDE ANY PROCESS DEFINED AS INCINERATION UNDER APPLICABLE  
21 LAWS OR RULES.

22 (8) "STATE AGENCY" MEANS ANY DEPARTMENT, COMMISSION,  
23 COUNCIL, BOARD, BUREAU, COMMITTEE, INSTITUTION OF HIGHER  
24 EDUCATION, AGENCY, OR OTHER GOVERNMENTAL UNIT OF THE EXECUTIVE,  
25 LEGISLATIVE, OR JUDICIAL BRANCH OF STATE GOVERNMENT.

26 (9) (a) "VIDEO DISPLAY DEVICE" MEANS:

27 (I) AN ELECTRONIC DEVICE WITH AN OUTPUT SURFACE THAT

1 DISPLAYS OR IS CAPABLE OF DISPLAYING MOVING GRAPHICAL IMAGES OR  
2 VISUAL REPRESENTATIONS OF IMAGE SEQUENCES OR PICTURES THAT SHOW  
3 A NUMBER OF QUICKLY CHANGING IMAGES ON A SCREEN TO CREATE THE  
4 ILLUSION OF MOTION; OR

5 (II) AN ELECTRONIC DEVICE WITH A VIEWABLE SCREEN OF FOUR  
6 INCHES OR LARGER, MEASURED DIAGONALLY, THAT CONTAINS A TUNER  
7 THAT LOCKS ON TO A SELECTED CARRIER FREQUENCY OR CABLE SIGNAL  
8 AND IS CAPABLE OF RECEIVING AND DISPLAYING TELEVISION OR VIDEO  
9 PROGRAMMING VIA BROADCAST, CABLE, OR SATELLITE.

10 (b) "VIDEO DISPLAY DEVICE" INCLUDES A DEVICE THAT IS AN  
11 INTEGRAL PART OF THE DISPLAY AND CANNOT EASILY BE REMOVED FROM  
12 THE DISPLAY BY THE CONSUMER AND THAT PRODUCES THE MOVING IMAGE  
13 ON THE SCREEN. A VIDEO DISPLAY DEVICE MAY USE A CATHODE RAY TUBE,  
14 LIQUID CRYSTAL DISPLAY, GAS PLASMA, DIGITAL LIGHT PROCESSING, OR  
15 OTHER IMAGE-PROJECTION TECHNOLOGY.

16 (c) "VIDEO DISPLAY DEVICE" DOES NOT INCLUDE A DEVICE THAT  
17 IS PART OF A MOTOR VEHICLE OR ANY COMPONENT PART OF A MOTOR  
18 VEHICLE ASSEMBLED BY, OR FOR, A VEHICLE MANUFACTURER OR  
19 FRANCHISED DEALER, INCLUDING REPLACEMENT PARTS FOR USE IN A  
20 MOTOR VEHICLE.

21 **25-17-303. Landfill ban - rules.** BY JULY 1, 2013, A PERSON  
22 SHALL NOT DISPOSE OF AN ELECTRONIC DEVICE OR A COMPONENT OF AN  
23 ELECTRONIC DEVICE IN A LANDFILL IN THIS STATE; EXCEPT THAT THE  
24 COMMISSION SHALL ADOPT CRITERIA FOR EXEMPTING A COMMUNITY FROM  
25 THE REQUIREMENTS OF THIS SECTION. THE CRITERIA MUST INCLUDE THE  
26 DISTANCE FROM THE COMMUNITY TO A RECYCLING FACILITY THAT  
27 ACCEPTS ELECTRONIC WASTE AND THE FREQUENCY IN THE COMMUNITY OF

1 AVAILABLE COLLECTION SERVICES.

2 **25-17-304. State electronic device recycling - rules.**

3 (1) EFFECTIVE JULY 1, 2013, EACH STATE AGENCY SHALL RECYCLE ITS  
4 ELECTRONIC DEVICES. THE AGENCY SHALL USE ONLY A RECYCLER THAT  
5 IS CERTIFIED TO A NATIONAL ENVIRONMENTAL CERTIFICATION STANDARD  
6 SUCH AS THE R2 OR E-STEWARD STANDARDS OR OTHER COMPARABLE  
7 RECYCLING OR DISPOSAL STANDARD; EXCEPT THAT THIS CERTIFICATION  
8 REQUIREMENT DOES NOT APPLY TO PROCESSING FOR REUSE CONDUCTED  
9 BY THE DIVISION OF CORRECTIONAL INDUSTRIES CREATED IN SECTION  
10 17-24-104, C.R.S. THE COMMISSION MAY ADOPT RULES TO AVOID THE USE  
11 OF CERTIFICATIONS THAT ARE NOT COMPARABLE.

12 (2) UPON RECEIPT OF A DEVICE, A RECYCLER THAT ACCEPTS AN  
13 ELECTRONIC DEVICE FROM A STATE AGENCY SHALL PROVIDE THE AGENCY  
14 WITH APPROPRIATE DOCUMENTATION VERIFYING THE RECYCLER'S  
15 CERTIFICATION AS REQUIRED IN SUBSECTION (1) OF THIS SECTION.

16 **25-17-305. Immunity.** (1) A RECYCLER IS NOT LIABLE FOR  
17 PERSONAL OR FINANCIAL DATA OR OTHER INFORMATION THAT A  
18 CONSUMER OR STATE AGENCY MAY LEAVE ON AN ELECTRONIC DEVICE  
19 THAT IS COLLECTED, PROCESSED, OR RECYCLED UNLESS THE RECYCLER  
20 ACTED IN A GROSSLY NEGLIGENT MANNER.

21 (2) A WASTE HAULER, AS THAT TERM IS DEFINED IN SECTION  
22 30-20-1001 (16), C.R.S., OR OWNER OR OPERATOR OF A LANDFILL OR  
23 TRANSFER STATION DOES NOT VIOLATE THIS PART 3 IF THE HAULER,  
24 OWNER, OR OPERATOR HAS MADE A GOOD-FAITH EFFORT TO COMPLY WITH  
25 THIS PART 3 BY:

26 (a) POSTING AND MAINTAINING, IN A CONSPICUOUS LOCATION AT  
27 THE WASTE HAULER'S FACILITY, TRANSFER STATION, OR THE LANDFILL, A

1 SIGN STATING THAT ELECTRONIC DEVICES WILL NOT BE ACCEPTED AT THE  
2 FACILITY, TRANSFER STATION, OR LANDFILL; AND

3 (b) FOR AN OWNER OR OPERATOR OF A LANDFILL OR TRANSFER  
4 STATION, NOTIFYING, IN WRITING ONCE A YEAR, ALL WASTE HAULERS WHO  
5 HAVE CONTRACTED WITH THE OWNER OR OPERATOR TO HAUL SOLID  
6 WASTE TO THE LANDFILL OR TRANSFER STATION THAT ELECTRONIC  
7 DEVICES ARE NOT ACCEPTED AT THE LANDFILL OR TRANSFER STATION.

8 **25-17-306. Public education.** THE DEPARTMENT OF PUBLIC  
9 HEALTH AND ENVIRONMENT SHALL COORDINATE WITH EXISTING PUBLIC  
10 AND PRIVATE EFFORTS REGARDING THE DEVELOPMENT AND  
11 IMPLEMENTATION OF A PUBLIC EDUCATION PROGRAM ABOUT THE  
12 RECYCLING OF ELECTRONIC DEVICES, THE REMOVAL OF DATA FROM AN  
13 ELECTRONIC DEVICE BEING OFFERED FOR RECYCLING, THE BENEFITS OF  
14 ELECTRONIC DEVICE RECYCLING, HOW TO FIND ELECTRONIC DEVICE  
15 RECYCLERS, AND IMPLEMENTATION OF THE LANDFILL BAN PURSUANT TO  
16 SECTION 25-17-303. THE DEPARTMENT SHALL PERFORM THESE FUNCTIONS  
17 WITHIN ITS EXISTING RESOURCES.

18 **25-17-307. Charitable donations of electronic devices.** (1) A  
19 CHARITABLE ORGANIZATION, AS DEFINED IN SECTION 6-16-103 (1), C.R.S.,  
20 MAY:

21 (a) REFUSE TO ACCEPT A DONATION OF AN ELECTRONIC DEVICE;

22 AND

23 (b) ESTABLISH A SURCHARGE FOR ACCEPTANCE OF A DONATION OF  
24 AN ELECTRONIC DEVICE.

25 **25-17-308. Rules.** THE COMMISSION SHALL ADOPT RULES  
26 NECESSARY TO IMPLEMENT THIS PART 3.

27 **SECTION 2. Act subject to petition - effective date -**

1 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following  
2 the expiration of the ninety-day period after final adjournment of the  
3 general assembly (August 8, 2012, if adjournment sine die is on May 9,  
4 2012); except that, if a referendum petition is filed pursuant to section 1  
5 (3) of article V of the state constitution against this act or an item, section,  
6 or part of this act within such period, then the act, item, section, or part  
7 will not take effect unless approved by the people at the general election  
8 to be held in November 2012 and, in such case, will take effect on the  
9 date of the official declaration of the vote thereon by the governor.

10 (2) The provisions of this act apply to acts occurring on or after  
11 the applicable effective date of this act.